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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF:

Stuart et al.

Grp. Art. Unit: 2756

Application No: 09/366,114

Examiner:

Filing Date: August 2, 1999

Date: May 20, 2004

SYSTEM AND METHOD FOR
PROVIDING A SERVICE TO
A CUSTOMER VIA A
COMMUNICATION LINK

Atty. Dkt. No: Stuart-ISAM

RECEIVED

JUN 2 1 2004

Technology Center 2600

DECLARATION OF INVENTORS UNDER 37 CFR §1.131

1. We are the co-inventors of the subject matter claimed in U.S. Patent application serial number 09/366,114, entitled System and Method for providing a service to a customer via a communication link.

2. The invention was conceived before February 17, 1998. This is evidenced by attached Exhibits A, B & C. Exhibit A is a document that was prepared before February 17, 1998 and contains an introduction to the subject matter of the claimed invention as well as a description of the invention, which at that time was referred to under the acronym ASAM (Automatic Service Attitude Measurement). Exhibit B is a system architecture diagram regarding the claimed invention that was prepared before February 17, 1998. This diagram shows the basic architecture for implementing the invention. Exhibit C, is a redacted presentation given by Robert Stuart to the president of Volt Delta Corp. in May of 1997. The purpose of this presentation was to seek a corporate partnership for reducing the invention to practice; it was not an offer for sale of the invention. The invention is referred to in the exhibits under its acronyms ASAM and ISAM, which stands for Individual Service Attitude Measurement.

3. From at least as early as May 1997 meeting with Volt Delta Corp., the inventors, who were doing business as USADA, Inc., sought a corporate partnership to enable the invention to be reduced to practice.

4. In a diligent effort to have the invention reduced to practiced. The inventors engaged in negotiations with Volt Delta Corp. regarding a possible business relationship to reduce the invention to practice from at least as early as the May 1997 meeting until negotiations broke down in February of 1999. These continuous and regular efforts are evidenced by correspondence between Robert Stuart and Volt Delta (Exhibits D and E), letters between Volt Delta and the inventors' attorneys, Lewis and Kappas, as shown in Exhibits F, G, H, J and K; and meeting agenda between inventors in Volt Delta in April 1998, Exhibit I.

5. After attempts to form a business relationship with Volt Delta Corp. to reduce the invention to practice finally failed in February 1999, the inventors diligently turned to constructively reducing the invention to practice. This is evidenced by an initial rough draft business plan dated February 12, 1999 in which USADA Inc. indicates its first strategic step is to obtain patent protection for the present invention. See Exhibit L.

6. In March of 1999, that business plan was formalized as shown in Exhibit M.

7. At about the same time, co-inventor Scott Stuart began preparing a pro-se patent application for the subject invention. A draft of that invention description was delivered via e-mail to co-inventor Robert Stuart on Monday, April 5, 1999 as shown in Exhibit N.

8. Shortly thereafter, patent attorney Michael McNeil was hired to assist editing the draft application prepared by Scott Stuart into better form for filing, including preparation of claims in a proper form. This is evidenced by the e-mails identified as Exhibits O and P.

9. After several rounds of editing, the application was sent out to the co-inventors for signature on July 8, 1999 as evidenced by Exhibits Q and R.

10. After receiving the executed signature papers, McNeil filed the patent application via Express Mail in the United States Patent and Trademark Office on August 2, 1999.

11. From a date previous to February 17, 1998, the inventors never abandoned, postponed or otherwise delayed efforts to reduce the invention to practice until the application was filed in August of 1999.

12. The attached Exhibit S entitled ISAM documentation - Due Diligence is a Table listing activities performed by the inventors and/or agents of the inventors in an effort to diligently pursue an actual reduction to practice of the invention.

13. The activities listed in the Table are sub-divided into different categories with the items marked "technical design" being directly related to an actual reduction to practice. All other categories, including strategic planning, market research, legal and meetings all supported the technical design effort and were done to overcome the other obstacles associated with achieving an actual reduction to practice.


14. Supporting documentation for several of the identified activities are also attached as per the designations in the table.

15. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

 5-28-04

Robert O. Stuart

Date

 5-25-04

Scott Stuart

Date